

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the annexed Declaration of Antonio J. Perez-Marques and the exhibits thereto, and all the pleadings and proceedings herein, defendants Morgan Stanley & Co. Incorporated and Morgan Stanley & Co. International Limited (collectively, “Morgan Stanley”) hereby move this Court before the Honorable Shira A. Scheindlin, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, Courtroom 15C, New York, New York 10007, for an order, pursuant to Federal Rules of Civil Procedure 8(a) and 12(b)(6), dismissing Plaintiffs’ negligence claim against Morgan Stanley in the above-captioned action and granting such further relief as the Court deems proper and just.

Morgan Stanley respectfully requests oral argument on this motion.

Dated: January 17, 2012  
New York, New York

DAVIS POLK & WARDWELL

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